

New York State Department of Environmental Conservation

Division of Environmental Remediation, 12th Floor

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Erin M. Crotty,
Commissioner

MEMORANDUM

TO: Bureau Directors, Section Chiefs, Regional Hazardous Waste Remediation Engineers, Regional Spill Engineers

FROM: Dale A. Desnoyers, Director, Division of Environmental Remediation
Dale A. Desnoyers

SUBJECT: Substantive Compliance with Air Requirements

DATE: February 28, 2003

Remediation that is being conducted under Division of Environmental Remediation (DER) oversight under any of our remedial programs are exempt from obtaining air discharge permits either through a program exemption (e.g. Part 375) or a regulatory exemption (e.g. Part 201). However, all remedial projects must demonstrate that they comply with the substantive regulations. This means that the appropriate air pollution control equipment has to be installed and that the remediation activity must not cause air pollution.

The requirements for air pollution control equipment are contained in Part 212. Part 212 contains a table that specifies the minimum degree of air cleaning required which is based on emission rate potential and environmental rating. In most instances, emissions from the remedial projects that DER staff oversee fall into the category of "Degree of Control to be Determined by the Commissioner." The position that DER has taken is that any installation with an emission rate potential exceeding 0.5 lb/hr. of total volatile organic compounds require air pollution controls. This generally encompasses all soil vapor extraction systems and thermal desorption units. Air strippers generally do not require controls.

The demonstration that an air emission source will not cause air pollution is accomplished by performing an air quality impact analysis. The Division of Air Resources (DAR) has guidance for this analysis. It is called "Guidelines for the Control of Toxic Ambient Air Contaminants" (formerly Air Guide 1) and is identified as DAR-1. This guidance outlines a process that predicts the impact on air quality from the emissions. DAR-1 contains both short term (24 hr.) and long term (annual) ambient guideline concentrations that the impact must not exceed. Specific information regarding DAR-1 is available from the Division of Air Resources web page (<http://www.dec.state.ny.us/website/dar/boss/toxics.html>).

Project Managers should require adequate information to demonstrate compliance with both of these requirements. The application for a permit to construct a process, exhaust or ventilation system (formerly AIR 100 or 79-19-3) has been used to submit the emissions information in a format in which reviewers were familiar with and to insure all of the needed information was included. This form is no longer available. However, attached are relevant portions of that form which may be used for the same purpose. This format does not have to be used, but it makes review much easier (potentially expediting review) and ensures all of the needed information is submitted the first time. In addition to the emissions information, a DAR-1 analysis must be submitted. If required, the information should include a description of the monitoring schedule, a stack testing protocol and a procedure to maintain the air pollution control equipment (e.g. carbon cannister change out procedure).

If further information is required, please contact Jim Harrington at 402-9755

Attachment

Information for Determination of Compliance with Substantive Air Requirements

Site Name:

Site Address:

Name and affiliation
of person submitting information:

Description of Process:

Description of Control Equipment:

Description of Continuous Air Monitors:

Attach a copy of a site plan showing property lines, prevailing wind direction and distance to nearest offsite receptors

Stack Information

Ground Elevation (ft.)	
Stack Height (ft.)	
Height above Structures (ft.)	
Inside Dimensions (in.)	
Exit Temperature (°F)	
Exit Velocity (ft./sec.)	
Exit Flow (acfm)	

Emissions Information:[illegible]